

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

RONALD S. MAZZEI,

Plaintiff – Pro Se,

v.

DR. FRANCIS J. HARVEY,
SECRETARY OF THE ARMY

Defendant,

Case Number: 06 1272

Date: February 7, 2007

Chief Judge:

Donetta W. Ambrose

2007 FEB -8 AM 11:59
U.S. DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

PLAINTIFF RONALD S. MAZZEI'S MOTION TO DISMISS HIS CASE.

Plaintiff, Ronald S. Mazzei, is hereby informing the Court that he is dropping his lawsuit under the above case number for the following reasons. On 2/1/07 Plaintiff's up-line supervisor (Richard Hancock) told Plaintiff that they might be able to sue Plaintiff for their expenses in this case should Plaintiff lose his case, which Plaintiff did not know prior and has now caused him to be fearful that he could owe the Defendant money if he drops his case after Defendant has spent time or if he loses his case. Subsequent to being told this Plaintiff was able to get a free legal consultation and was told by an Attorney on 2/7/07, that the Defendants could sue him for their expenses if he lost his case and that the medical reports Dr. Munirji wrote for him, that stated he had a disability, are not admissible in court since they are considered hearsay by the fact that this doctor is deceased and cannot be cross examined, and that Plaintiff could be sued by Defendants for their expenses if he waits until the Judge rules on his Motion to have this evidence accepted in his case, and then drops his case at that time.

When Plaintiff originally filed his lawsuit and up to yesterday, Plaintiff was unaware of the above-mentioned things, since he could not afford to pay for legal consultation and since he is not a lawyer. In addition, when Plaintiff paid his filing fee he interpreted the Judges Order, dated 12/6/06, as if a decision on whether certain medical evidence would be admissible would be made shortly after he paid the filing fee, but has now learned that the this will not occur. Therefore for all of the above reasons, Plaintiff asks that the Court refund him his filing fee and not allow the defendants to hold him liable for any fees or expenses that they may have incurred to date.

Respectfully submitted,

Ronald S. Mazzei

2/8/07
The motion to dismiss is granted. However, the motion to refund filing fee is denied (filing fees are not refunded) the motion to not allow defendants to hold plaintiff liable is denied (there is no controversy yet before the court on this issue).
Donetta W. Ambrose